

LAWS70336 Commercial Law: Issues and Policies

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	This subject is not offered in 2014.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
Prerequisites:	Prior study in contract, trust and equity
Corequisites:	None
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	None
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/
Contact:	For more information, contact the Melbourne Law Masters office. Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	<p>This subject examines the building-blocks of commercial law and practice, emphasising the common legal problems that plague successful commercial relationships. These range from the typical styles of commercial engagement, including agency, joint ventures and fiduciary relationships; the practical difficulties in ensuring that property assignments are successful; and the various means of financing commercial deals, including how courts distinguish between legal form and commercial substance in characterising security interests. The subject includes a brief examination of the general law as it applies to banks in commerce. Throughout, special attention is paid to the different types of personal and proprietary remedies awarded for breach of commercial contracts, including the role of constructive trusts in a commercial context. All these issues are explored within the framework of typical commercial contracts and in the context of an assessment of the policies being pursued by the courts in enforcing the commercial deal. The lecturers have written and taught extensively in the area.</p> <p>Principal topics will include:</p> <ul style="list-style-type: none"> # Personal property in commercial law # Issues of contractual doctrine and interpretation in commercial contracts # Issues in domestic and international sales # Money and payment systems # Secured financing

	<ul style="list-style-type: none"> # Specific forms of secured business finance # Commercial litigation.
Learning Outcomes:	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Understand the application of basic common law and equitable doctrines to common contemporary commercial transactions # Understand the interaction of doctrine and statute in resolving commercial disputes # Appreciate the significance of recent statutory and case law developments to commercial practice # Be aware of the main international developments in commercial law.
Assessment:	Seminar paper presentation (10%) 3-hour examination (90%) (24 October, am) or 10,000 word research paper (90%) (10 December) on a topic approved by the subject coordinator
Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Links to further information:	www.law.unimelb.edu.au/subject/LAWS70336/2014